

Sequence 11635  
Attorney Docket No. 24911  
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KOROPATNICK et al.

Serial No. 09/509,418

Filed: July 11, 2000

For: **ANTISENSE OLIGONUCLEOTIDES AGAINST THYMIDYLATE SYNTHASE**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- (3) Sequence Listing Submission Statement;
- (4) Paper copy of Sequence Listing;
- (5) Computer readable form (CRF) of Sequence Listing.

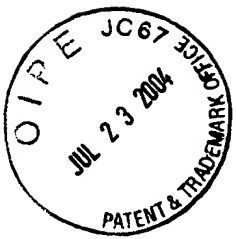
Respectfully submitted,

**NATH & ASSOCIATES PLLC**

By:

Gary M. Nath  
Registration No. 26,965  
Lee C. Heiman  
Registration No. 41,827  
Customer No. 20529

Date: July 23, 2004  
NATH & ASSOCIATES PLLC  
1030<sup>th</sup> 15<sup>TH</sup> Street, NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005  
GMN/LCH/ng/NoticeComplySeq\_trans\_LCH



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In re Application of:

KOROPATNICK et al.

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**SEQUENCE LISTING SUBMISSION STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated June 24, 2004. The Notice has a one-month time period for response. Thus, this Response should be considered timely filed within the time period set by the Examiner.

In connection with the Sequence Listing submitted herewith, the undersigned attorney hereby states that:

- (1) The sequence listing has been amended to correct the typographical error in SEQ ID NO:18. Support for this amendment can be found, for example, at Figure 7. Applicants assert that a person skilled in the art would understand that the 5'-3' sequence for the reverse TS primer is the reverse complement of the TS mRNA sequence depicted in Figure 7, at nucleotides 1036-1060. Accordingly, the sequence listing has been amended at SEQ ID NO:18 to replace "O" with "G". We confirm that the content of the computer readable copy of the sequence listing is the same as the content of the paper copy, which does not go beyond the disclosure of the application as originally filed.

Applicants believe that no fee is due for this submission. However, should a fee be due, the Commissioner is specifically authorized to charge any required fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112 in connection with this matter.

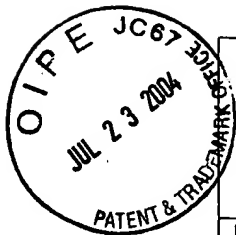
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Date: July 23, 2004  
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Washington, D.C. 20005  
(202) 775-8383  
GMN/LCH/ng: NoticeComplySeqSubmission\_LCH



## Notice to Comply

Application No.

09/509,418

Examiner

Janet Epps-Ford, Ph.D.

Applicant(s)

KOROPATNICK et al.

Art Unit

1635

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other :

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

Art Unit: 1635

*Compliance to the Sequence Rules*

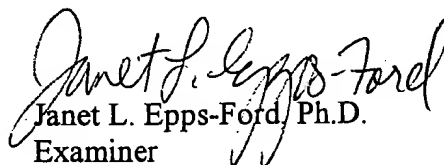
1. The Sequence Amendment filed 7-21-03 does not comply with Sequence Rules, see the attached Notice To Comply With The Sequence Rules or Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.
2. Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1635

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Epps-Ford, Ph.D. whose telephone number is 571-272-0757. The examiner can normally be reached on Monday-Saturday, Flex Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on 571-272-0760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Janet L. Epps-Ford, Ph.D.  
Examiner  
Art Unit 1635

*JLE*